

REMARKS

Applicants thank the Examiner for the thorough examination given the present application.

Status of the Claims

Claims 1, 3-6, and 10-11 will be pending in the above-identified application upon entry of the present amendment. Claim 1 has been amended to incorporate the subject matter of claim 2. As such, claim 2 has been cancelled herein. Claims 7-9 have also been cancelled herein. Claims 10-11 have been added. Support for new claims 10-11 can be found in claims 7-9 as well as the examples of the present specification. No new matter has been added. Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1 and 3-9 under 35 U.S.C. § 103(a) as being unpatentable over JP '325 (JP 2002/180325).

Applicants respectfully traverse. Reconsideration and withdrawal of this rejection are respectfully requested based on the following considerations.

As amended, claim 1 recites, *inter alia*, "a racemo diad proportion of 70% or more." This element recites the subject matter of claim 2, which the Examiner has indicated to be allowable subject matter. All other pending claims depend from independent claim 1.

In the outstanding Office Action, the Examiner notes that JP '325 does not appear to disclose the subject matter of claim 2. However, a full English translation of JP '325 was not available at the time, and the Examiner indicated that claim 2 may be subject to the rejection after review of the full English translation.

Applicants have submitted an Information Disclosure Statement herewith, which provides a full English translation of JP '325. The full English translation of JP '325 fails to disclose each and every element of independent claim 1, from which all other pending claims depend.

To establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be disclosed by the cited references. As discussed above, JP '325 fails to disclose all of the claim limitations of independent claim 1, and those claims dependent thereon. Specifically, JP '325 does not disclose a racemo diad proportion of 70% or more. Accordingly, the reference does not render the present invention obvious. Furthermore, the cited reference or the knowledge in the art provides no reason or rationale that would allow one of ordinary skill in the art to arrive at the present invention as claimed. Therefore, a *prima facie* case of obviousness has not been established, and withdrawal of the outstanding rejection is respectfully requested. Any contentions of the USPTO to the contrary must be reconsidered at present.

Allowable Subject Matter

Applicants acknowledge the indication of allowable subject matter of claim 2. Applicants have incorporated the allowable subject matter of claim 2 into independent claim 1. All pending claims depend from claim 1. As such, all pending claims are believed to be directed to allowable subject matter. Therefore, Applicants respectfully submit that this application is now in condition for allowance. An early reconsideration and Notice of Allowance are respectfully requested.

Newly Proposed Claims 10-11

Applicants have newly proposed claims 10-11 in an effort to further define the scope of protection owed to Applicants. Applicants respectfully submit that claims 10-11 are allowable for the reasons given above. Specifically, claims 10-11 depend from claim 1, which is now directed to allowable subject matter. As such, Applicants respectfully assert that claims 10-11 clearly define over the prior art of record, and an early action to this effect is earnestly solicited.

CONCLUSION

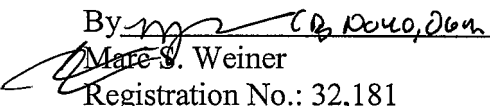
A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink (Reg. No. 58,258) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 6, 2009

Respectfully submitted,

By  _____

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